

House Study Bill 640 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to petitions to change the form of management
2 of a drainage or levee district to a board of trustees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 468.501, Code 2022, is amended to read
2 as follows:

3 **468.501 Petition.**

4 A petition shall be filed in the office of the auditor signed
5 by a majority of the persons including corporations owning
6 land within the district assessed for benefits and who in the
7 aggregate own more than one-half of the acreage of such lands.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 BACKGROUND. This bill provides for a petition to change the
12 form of management of a drainage or levee district (district).
13 A district is established by a county board of supervisors
14 which manages the district (Code section 468.1). A district
15 may also be established and managed by a joint board of
16 supervisors if the district crosses county lines (Code chapter
17 468, subchapter II). The board may relinquish control of a
18 district to a city if it finds that 25 percent or more of
19 the district's area is located within that city's boundaries
20 (Code section 468.322). Under certain circumstances, a board
21 of supervisors, a joint board of supervisors, or a city must
22 transfer jurisdiction to a board of elected trustees (Code
23 chapter 468, subchapter III, and Code section 468.327). In
24 order for a board of trustees to assume management of the
25 district, the landowners in the district must submit a petition
26 with the county auditor, or county auditors in the case of an
27 intercounty district, to call for a special election to elect
28 trustees from the membership of the landowners in the district.
29 In order for a petition to be valid, it must be signed by a
30 "majority of the persons including corporations owning land
31 within the district assessed for benefits" (Code section
32 468.501). By comparison, in the case of a district being
33 placed back under the management of a board of supervisors, the
34 petition must also be signed by a "majority of persons...owning
35 land" in the district and submitted to the county auditor or

1 auditors of the respective counties. However, in that case
2 a separate condition is attached. The landowners must own
3 in the aggregate more than one half of the acreage of such
4 lands within the district (Code section 468.533). The district
5 reverts to management by the board or boards of supervisors
6 without a vote effective on the date of the next election of
7 trustees (Code section 468.535).

8 BILL'S PROVISION. The bill adds a qualification upon
9 a petition to change the district's management to a board
10 of trustees based on the same qualification for a petition
11 requesting that a district be placed back under the management
12 of a board of supervisors or joint board of supervisors.
13 In addition to the petition being signed by a "majority of
14 persons...owning land" in the district, the persons signing the
15 petition must in the aggregate own a majority of the acreage
16 of such lands.